IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27696 of 2007(V)

ST.1482/2006 of J.M.F.C.,ALATHUR

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PETITIONER: ACCUSED

LAKSHMANAN, AGED 59 YEARS,
S/O.ARUNACHALAM ACHARI, ARUNACHALAM VEETTIL,
CHOORAPPALLATH, CHITTOOR POST, CHITTOOR TALUK.

BY ADV. SMT.JEENA JOSEPH
SRI.G.D.PANICKER

RESPONDENTS: COMPLAINANT - STATE

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. V.G.SUKUMARAN, AGED 46 YEARS,
V.S.GOPALAN, VADAKKUMPURAM VEETTIL,
ARIMAYOOR, ALATHUR TALUK, PALAKKAD
DISTRICT.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.27696 of 2007

Dated this the 18th day of September 2007

J U D G M E N T

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. The case has now reached the stage of defence evidence. The matter stands posted for defence evidence tomorrow, that is on 19/9/2007, it is submitted. The petitioner has rushed to this court with this petition with the prayer that some more time may be granted to the petitioner to adduce defence evidence. It is prayed that the proceedings before the court below may be stayed to facilitate such availability of further time for the petitioner to adduce defence evidence.

2. I find absolutely no merit in the request. It is for the petitioner to file appropriate application/list of witnesses/documents before the learned Magistrate through his counsel, even assuming that he is not able to appear before the learned Magistrate, specifying the defence evidence which he wants to adduce. I have no reason to assume that if the petitioner has valid reasons for a further opportunity to examine such witnesses, the learned Magistrate would not consider such request on merits and in accordance with law.

3. With the above observations, this writ petition is dismissed.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007